THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.5312 of 1994

-

And

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Review W.P.M.P.No.20792 of 2004

-

10th March 2006

W.P.No.5312 of 1994

Between:

Kankipati Venkata Krishna Padal.

...PETITIONER

AND

The District Revenue Officer and Additional District Magistrate, Visakhapatnam.

...RESPONDENT

AND

Review W.P.M.P.No.20792 of 2004

Between:

The District Revenue Officer and Additional District Magistrate, Visakhapatnam.

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THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.5312 of 1994

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And

-

Review W.P.M.P.No.20792 of 2004

-

COMMON ORDER:

The only question involved in this review is as to the competency for cancellation of any Caste Certificate under the provisions of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Communities) Regulation of Issue of Community Certificates Act, 1993 (16 of 1993) ('the Act' for brevity).

There is no dispute to the fact that in the present case, the District Revenue

Officer concerned passed the order on 08.10.1993. However, the learned Government Pleader appearing for the review applicant submits that the said Act 16/1993 came into force w.e.f. 15.06.1997 interpreting the said provisions but not earlier. This Court has taken a view that the Collector of the District alone is competent to cancel any caste certificate but not the District Revenue Officer under the provisions of the Act.

Having regard to the same and in view of the error apparent on the face of the record that the District Revenue Officer passed order of cancellation on 08.10.1993, which is much prior to the Act coming into force, the review application is allowed.

Consequently, Writ Petition No.5312 of 1994 stands dismissed. No costs.

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(B.PRAKASH RAO, J)

10th March 2006

RRB

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